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Commission on the Status of Women
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Agenda item 3 (a)
Follow-up to the Fourth World Conference on Women and to the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century": review of gender mainstreaming in entities of the United Nations system

Austria,* Belgium, Denmark, Finland,* France,* Germany, Greece,* Ireland,* Italy, Luxembourg,* Netherlands,* Portugal,* Spain,* Sweden* and United Kingdom of Great Britain and Northern Ireland: draft resolution

The Commission on the Status of Women recommends to the Economic and Social Council the adoption of the following draft resolution:

Situation of women and girls in Afghanistan

The Economic and Social Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3] the Convention on the Elimination of All Forms of Discrimination against Women,[4] the Declaration on the Elimination of Violence against Women,[5] the Convention on the Rights of the Child[6] and the Optional Protocols thereto on the involvement of children in armed conflict[7] and on the sale of children, child prostitution and child

* In accordance with rule 69 of the rules of procedure of the functional commissions of the Economic and Social Council.

1 General Assembly resolution 217 A (III).
2 General Assembly resolution 2200 A (XXI), annex.
3 General Assembly resolution 39/46, annex.
4 General Assembly resolution 34/180, annex.
5 See General Assembly resolution 48/104.
6 General Assembly resolution 44/25, annex.
7 General Assembly resolution 54/263, annex I.

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pornography,[8] the Beijing Declaration[9] and Platform for Action,[10] the further actions and initiatives to implement the Beijing Declaration and Platform for Action, adopted by the General Assembly at its twenty-third special session,[11] accepted humanitarian rules as set out in the Geneva Conventions of 12 August 1949,[12] and other instruments of human rights and international law,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide,[13] the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Geneva Conventions of 12 August 1949, and the Rome Statute of the International Criminal Court,[14]

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms,

Recalling the importance of the implementation of Security Council resolutions 1325 (2000), on women and peace and security, and 1460 (2003), on children and armed conflict,

Recalling also the Agreement on Provisional Arrangements in Afghanistan pending the Re-establishment of Permanent Government Institutions, signed in Bonn, Germany, on 5 December 2001,[15]

Welcoming the establishment of the Afghan Independent Human Rights Commission in June 2002,

Welcoming also the holding of the Emergency Loya Jirga in June 2002, establishing the Afghan Transitional Authority, and the participation of more than two hundred women in the meeting,

Welcoming further the continuing commitment of the Afghan Transitional Administration to the full enjoyment of human rights and fundamental freedoms by women and girls, to the active participation of Afghan women in political, economic and social life, to the education of girls as well as boys and to the opportunity for women to work outside the home,

Welcoming the return of more than three million children to school, including one million girls, since March 2002,

Welcoming also the inclusion of women in the Transitional Administration, the Judicial Reform Commission, the Independent Human Rights Commission and the Constitutional Drafting Commission and stressing the importance of the full and

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[8] Ibid., annex II.

[9] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.

[10] Ibid., annex II.

[11] General Assembly resolution S-23/3, annex.

[12] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[13] General Assembly resolution 260 A (III), annex.

[14] A/CONF.183/9.

[15] See S/2001/1154.

effective participation of women in all decision-making processes regarding the future of Afghanistan,

Welcoming further the fact that the National Development Framework of the Transitional Administration reflects the needs of, and the importance of the role to be taken by, women and girls in the process of peace-building, reconstruction and development,

Welcoming the efforts of Afghanistan's neighbouring countries, which have hosted millions of Afghan refugees, especially women and children, and have provided humanitarian assistance in many areas, such as education, health and other basic services,

Recognizing that Afghan women are primary stakeholders and agents of change, who must have the opportunity to identify their own needs, interests and priorities in all sectors of society as full partners in the rebuilding of their society,

Emphasizing that a safe environment, free from violence, discrimination and abuse, for all Afghans, is essential for a viable and sustainable recovery and reconstruction process,

1. *Welcomes*:

(a) The ongoing commitments made by the Afghan Transitional Authority to recognize, protect and promote all human rights and fundamental freedoms, and to respect and promote respect for international humanitarian law;

(b) The ratification by the Afghan Transitional Authority of the Convention on the Elimination of All Forms of Discrimination against Women[4] on 5 March 2003;

2. *Also welcomes* the report of the Secretary-General to the Commission on the Status of Women on the situation of women and girls in Afghanistan;[16]

3. *Urges* the Afghan Transitional Authority:

(a) To repeal all legislative and other measures that discriminate against women and girls, as well as those that impede the realization of human rights and fundamental freedoms;

(b) To enable the full, equal and effective participation of women and girls in civil, cultural, economic, political and social life throughout the country at all levels;

(c) To protect the right to freedom of movement, expression and association for women and girls;

(d) To provide the necessary support and resources to enable the Ministry of Women's Affairs to function effectively, so that the Ministry can fulfil its task in promoting gender equality and women's empowerment and develop the capacity to act as a catalyst for gender mainstreaming throughout the Transitional Administration;

(e) To ensure that the Judicial Reform Commission, the Constitutional Drafting Commission and the Independent Human Rights Commission have

[16] E/CN.6/2003/4.

adequate resources to fulfil their mandates and ensure that gender perspectives are in line with international standards;

(f) To affirm full support for the participation of women in the constitutional process and in the Constitutional Loya Jirga;

(g) To continue its efforts to re-establish the rule of law, inter alia, by ensuring that law enforcement agencies respect and uphold human rights and fundamental freedoms, with a particular emphasis on access to justice for women;

(h) To continue its efforts to reflect a gender perspective in the training and activities of its police force, and to promote the recruitment of Afghan women in all ranks;

(i) To review and improve the practices of law enforcement personnel when dealing with women victims of violence, particularly those accused of offences based on tradition or imprisoned for social reasons to protect them from violence by family members;

(j) To ensure that gender-sensitive approaches are applied in the development and application of procedures during data collection for the census and the registration of voters to deliver universal suffrage and the full participation of women in the national elections in 2004;

(k) To ensure the equal right of women and girls to education, the effective functioning of schools throughout the country and the admission of women and girls to all levels of education;

(l) To respect the equal right of women to work and promote their reintegration in employment in all sectors and at all levels of Afghan society;

(m) To protect the equal right of women and girls to security of person, and to bring to justice those responsible for violence against women and girls;

(n) To initiate rapid demobilization and disarmament, and facilitate the reintegration of those who have participated in or have otherwise been affected by war into society and work;

(o) To raise awareness of the need to prevent and eliminate violence, including domestic violence, against women, with the aim of changing the attitudes and behaviour that allow such crimes to take place, and strengthen efforts to prevent and eliminate violence against women by using legislative measures;

(p) To ensure the effective and equal access of women and girls to the facilities necessary to protect the right to the enjoyment of the highest attainable standard of physical and mental health in accordance with the obligations of Afghanistan under the International Covenant on Economic, Social and Cultural Rights;[2]

(q) To reaffirm the equal right of women to own land and other property, inter alia, through the right to inheritance, and undertake administrative reforms and other necessary measures to give women the same right as men to credit, capital, appropriate technologies and access to and control over natural resources as well as access to markets and information;

4. *Encourages* the continuing efforts of the United Nations and its agencies, donors and civil society, guided by Security Council resolution 1325 (2000), on women and peace and security, to:

(a) Continue to provide financial and technical assistance, including support to the Ministry of Women's Affairs and the Afghan Independent Human Rights Commission, to ensure the full enjoyment of human rights and fundamental freedoms by women and girls so as to strengthen the capacity of Afghan women to participate fully and effectively in conflict resolution and peace-building efforts and in civil, political, economic, cultural and social life;

(b) Fully support the Afghan Transitional Authority regarding the participation of women in society, inter alia, by providing support to ministries to develop their capacity to mainstream gender issues into their programmes;

(c) Provide technical and other relevant assistance so that the judicial system has the capacity to adhere to international standards of human rights;

(d) Support measures to ensure the full enjoyment of human rights and fundamental freedoms by women and girls, and to hold accountable those who were responsible for gross violations of human rights in the past and to ensure that full investigations are conducted and perpetrators brought to justice in accordance with international standards in order to combat impunity;

5. *Invites* the United Nations system, international and non-governmental organizations, and donors:

(a) To ensure a human rights-based approach and coherent policy and resources for gender mainstreaming in all programmes and operations, based on the principles of non-discrimination and equality between women and men, and ensure that women benefit equally with men from such programmes in all sectors;

(b) To ensure the full and effective participation of Afghan women in all stages of humanitarian assistance, recovery, reconstruction and development, including planning, programme development, implementation, monitoring and evaluation;

(c) To support the elements of civil society active in the field of human rights, and encourage the involvement of women therein;

(d) To ensure that all their international and national personnel, prior to beginning their service, receive training in gender equality as well as appropriate training in the history, culture and traditions of Afghanistan and are fully familiar with and guided by international standards of human rights;

(e) To integrate efforts to improve the health status of women within all reconstruction efforts, especially through access to skilled prenatal care, increasing access to skilled birth attendance, education programmes on basic health issues, community information activities and emergency obstetric care;

(f) To continue to support measures for the employment of women and the integration of a gender perspective into all social, development and reconstruction programmes, taking into account the special needs of widows;

6. *Requests* the Secretary-General to ensure that the post of Senior Gender Adviser in the United Nations Assistance Mission in Afghanistan is filled on a permanent basis;

7. *Also requests* the Secretary-General to continue to review the situation of women and girls in Afghanistan and to submit to the Commission on the Status of Women at its forty-eighth session a report of progress made in the implementation of the present resolution.